



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MAHESWARAN *et al.*

Appl. No. 10/646,784

Filed: August 25, 2003

For: **Use of Mullerian Inhibiting
Substance and Interferon for
Treating Tumors**

Confirmation No.: 1100

Art Unit: 1642

Examiner: Aeder, S. E.

Atty. Docket: 0609.5130001/SRL/FRC

Reply to Restriction/Election of Species Requirement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated **June 21, 2006**, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group I, represented by claims 1-34. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

The Examiner indicated that Applicants must elect a single species of tumors for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. In reply, Applicants hereby provisionally elect **breast tumor**. Claims 1-3, 5-20 and 22-34 read on the elected species.

These elections are made **with** traverse.

A requirement for restriction is proper only if a search and examination of the entire application would impose a *serious* burden on the Examiner. *See* M.P.E.P. § 803. Applicants submit that searching and examining all of the claimed subject matter would not impose a serious burden on the Examiner. For example, a search of *methods* that comprise administering to a patient in need thereof an effective amount of MIS and an effective amount of interferon that results in decreased side-effects (as encompassed by the claims of